

PTO/SB/97 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

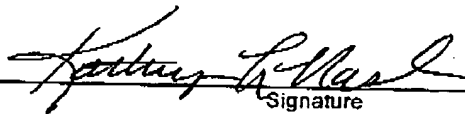
Application No. (if known): 10/621,629.

Attorney Docket No.: 65783-0029

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office.

on December 8, 2008
Date



Signature

Kathryn L. Nash

Typed or printed name of person signing Certificate

Registration Number, if applicable

(248) 594-0612

Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Reply Brief (11 pages)

RECEIVED
CENTRAL FAX CENTER**DEC 08 2006****FAX TRANSMISSION****DATE:** December 8, 2006**PTO IDENTIFIER:** Application Number 10/621,629-Conf. #1873
Patent Number**Inventor:** Joseph T. O'Brien et al.**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (571) 273-8300**FROM:** RADER, FISHMAN & GRAUER PLLC
Shelly L. Hokenstad**PHONE:** (248) 594-0651**Attorney Dkt. #:** 65783-0029**PAGES (Including Cover Sheet):** 13**CONTENTS:** Reply Brief (11 pages)
Certificate of Transmission (1 page)

If your receipt of this transmission is in error, please notify this firm immediately by collect call to sender at (248) 594-0636 and send the original transmission to us by return mail at the address below.

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited.

RADER, FISHMAN & GRAUER PLLC
39533 Woodward Avenue, Suite 140, Bloomfield Hills, Michigan 48304
Telephone: (248) 594-0600 Facsimile: (248) 594-0610

DEC 08 2006

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (571) 273-8300, on the date shown below.

Dated: December 8, 2006, 2006 Signature:


(Kathryn L. Nash)Docket No.: 65783-0029
(PATENT)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:
Joseph T. O'Brien, et al.

Application No.: 10/621,629

Confirmation No.: 1873

Filed: July 17, 2003

Art Unit: 3679

For: PILLAR SHIELD FOR SECURING A WIRE
HARNESS

Examiner: Victor L. MacArthur

REPLY BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Honorable Sir:

This is a Reply Brief submitted pursuant to 37 CFR § 41.41 in response to the Examiner's Answer dated October 11, 2006. The Examiner's Answer responded to Appellants' Second Amended Appeal Brief, filed August 11, 2006 (hereinafter the "Appeal Brief").

Claims 1-12 and 17-29 are pending. Claim 29 is allowed. Claims 1-12 and 17-28, which are reproduced in the Claims Appendix attached hereto, have been rejected and are the subject of this appeal.

The Final Office Action rejected claims 1-5, 7-12, 17-21 and 23-28 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,488,206 to Mizusawa. The Final Office Action further rejected claims 6 and 22 under 35 U.S.C. §103(a) as being unpatentable over Mizusawa in view of Appellants' admitted prior art (Figures and 2).

Application No.: 10/621,629

RECEIVED
CENTRAL FAX CENTER

Docket No.: 65783-0029

DEC 08 2006

ARGUMENT

A. Mizusawa fails to Teach or Suggest Each and Every Limitation of Independent Claims 1, 17, 25, and 27.

The Examiner rejected claims 1-5, 7-12, 17-21 and 23-28 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,488,206 to Mizusawa.

Claims 1 and 17

Independent claim 1 recites a plug that inserts into an opening in the wall of a hollow post and includes a stabilizer that resiliently engages the wall of the hollow post "exerting tension within the plug along a third axis." Independent claim 17 recites a pillar shield for securing a wire harness running within a pillar and includes at least two stabilizers, each projecting out from the body of the pillar shield. The stabilizers are resiliently compressed by the wall of the pillar "generating tension, directed along a third axis, between said pillar shield and the wall of the pillar." Appellants' assert that Mizusawa does not teach or suggest a stabilizer that exerts tension along a third axis, as required by claim 1, or a stabilizer that generates tension directed along a third axis, as required by claim 17.

The Examiner, disagreeing with Appellants' assertions incorrectly states that "[t]he appellant argues that the Mizusawa stabilizer (12) does not exert or generate tension along a third axis since the Mizusawa stabilizer only generates "moderate pressure" as recited in Mizusawa, col. 6, ll. 1-3." Appellants have in no way asserted that the seal packing of Mizusawa "does not exert or generate tension along a third axis since the Mizusawa stabilizer only generates 'moderate pressure'." *emphasis added.* (See Examiner's Answer, page 14). To the contrary, Appellants assert that the seal packing of Mizusawa is wholly incapable of exerting or generating a tension along a third axis. (See Appeal Brief, page 15). The Examiner's reference to generating "moderate pressure" refers to the seal packing in

Application No.: 10/621,629

Docket No.: 65783-0029

Mizusawa being "nipped with moderate pressure between the flange 4 and the body panel 5." (Mizusawa, col. 6, lines 1-2). Indeed, it is the fastener members (element 14 of Figures 3 and 5) of Mizusawa that provide the moderate pressure to "nip" the seal packing between the flange and the body panel, not the seal packing itself.

The Examiner further responds to Appellants' arguments by pointing to an annotated Figure 5, to allegedly illustrate that the compression of the seal packing:

inherently results in a equal and opposite reactionary force (F1, F2) as a basic fact of statics. The upward component (F1) of which clearly presses upward against section (4) of plug (1). Section (4) of plug (1) clearly resists upward movement (remains static) due to the downward force (F3) applied on section (4) of plug (1) by element (9). The oppositely directed forces (F1, F3) inherently create a tension in section (4) of plug (1) therebetween (which is most highly concentrated in the inner corner of area 21)." (See Examiner's Answer, page 14).

To the extent that section (4) is applying any force at all onto the seal packing (12), the force is due to the fastener members (14), not the seal packing (12). Appellants concede that the seal packing (12) is compressed (i.e., "nipped") and as a result, is exposed to a certain level of tension. This tension, however, or any reactionary force that results therefrom, cannot possibly be construed to be "exerting" or "generating" tension, as explicitly required by claims 1 and 17. Accordingly, for at least the reasons stated in the Appeal Brief and herein above, the rejection of claims 1-12 and 18-24 should be reversed.

Claims 17, 25, and 27

Independent claims 17, 25, and 27 are directed to a pillar shield for securing a wire harness running within a pillar. Each of these claims recites a shield having "a generally planar shaped body" designed to close the opening in the wall of the pillar. In contrast, the lamp housing disclosed in Mizusawa does not have a generally planar shaped body, as required by claims 17, 25, and 27. The Examiner's response to Appellants' Appeal Brief

Application No.: 10/621,629

Docket No.: 65783-0029

with respect to "a generally planar shaped body" mirror the Examiner's response to arguments in the Final Office Action (page 12). Therefore, Appellants reiterate the arguments set forth in the Appeal Brief and specifically refer the Board to Appellants' Appeal Brief, pages 15-16. For at least the reasons stated in the Appeal Brief and herein above, the rejection of claims 17-28 should also be reversed.

B. Rejections under 35 U.S.C. § 103

Claims 6 and 22 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,488,206 to Mizusawa in view of Applicant's admitted prior art (Figures 1 and 2). Claims 6 and 22, which depend from independent claims 1 and 17, respectfully, further define the plug (claim 1) and the pillar shield (claim 22) as a "one-piece monolithic structure." The Examiner's response to Appellants' Appeal Brief with respect to the obviousness to combine these references directly mirrors the Examiner's response to arguments in the Final Office Action (paged 12-13). Therefore, Appellants respectfully refer the Board to arguments set forth in Appellants' Appeal Brief, page 17. For at least the reasons stated in the Appeal Brief and herein above, the rejection of claims 6 and 22 should be reversed.

RECEIVED
CENTRAL FAX CENTER

DEC 08 2006

Docket No.: 65783-0029

Application No.: 10/621,629

CONCLUSION

In view of the foregoing arguments, a reversal of the rejections of record is respectfully requested of this Honorable Board. Appellants believe that no fee is due with this Reply Brief. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. 65783-0029 from which the undersigned is authorized to draw. To the extent necessary a petition for extension of time under 37 C.F. R. § 1.136 is hereby made, the fee for which should be charged to the above account.

Dated: December 8, 2006

Respectfully submitted,

By 

Shelly L. Hokenstad

Registration No.: 59,107

Glenn E. Forbis

Registration No.: 40,610

RADER, FISHMAN & GRAUER PLLC

39533 Woodward Avenue, Suite 140

Bloomfield Hills, Michigan 48304

248-594-0651

Attorneys for Appellant

RECEIVED
CENTRAL FAX CENTER

Application No.: 10/621,629

DEC 08 2006

Docket No.: 65783-0029

CLAIMS APPENDIX**Claims Involved in the Appeal of Application Serial No. 10/621,629**

1. A plug inserted into and enclosing an opening within a wall of a hollow post and securing a wire harness running within said hollow post, comprising:
 - at least two locks projecting out from a surface of said plug and securing said plug within the opening, at least one of said locks being located at or near a first end of said plug, and at least one of said locks being located at or near a second end of said plug, said locks resiliently engaging an edge of the opening and aligning said plug within the opening along a first axis;
 - at least two tensioners projecting out from said surface of said plug and resiliently engaging the edge of the opening and aligning said plug within the opening along a second axis, at least one of said tensioners being located at or near a first edge of said plug, and at least one of said resilient tensioners being located at or near a second edge of said plug;
 - at least one stabilizer projecting out from said surface of said plug and resiliently engaging the wall, thereby exerting tension within the plug along a third axis; and
 - at least one fastener for securing the wire harness to said plug.
2. The plug according to claim 1, wherein said first and second axes are approximately perpendicular to one another.
3. The plug according to claim 1, wherein said third axis is perpendicular to said first and second axes.

Application No.: 10/621,629

Docket No.: 65783-0029

4. The plug according to claim 1, wherein said first and second ends of said plug lie opposite to one another, and said first and second edges of said plug lie opposite to one another.
5. The plug according to claim 1, wherein said hollow post is a pillar of an automobile.
6. The plug according to claim 1, wherein said plug is a one-piece monolithic structure.
7. The plug according to claim 1, wherein said at least one stabilizer comprises a pair of resilient protrusions extending out from said surface of said plug.
8. The plug according to claim 1, further comprising at least two stabilizers, with at least one of said stabilizers located near said first edge of said plug, and at least one of said stabilizers located near said second edge of said plug.
9. The plug according to claim 1, wherein said fastener comprises at least one clip that projects out from said surface of said plug and secures the wire harness.
10. The plug according to claim 1, wherein said fastener comprises a tie that wraps around the wire harness and then attaches to said plug.
11. The plug according to claim 1, wherein each of said at least two locks initially engages the edge of the opening with a generally rounded end portion that promotes alignment of said plug respective to the opening.

Application No.: 10/621,629

Docket No.: 65783-0029

12. The plug according to claim 1, wherein each of said at least two tensioners initially engages the edge of the opening with a generally rounded end portion that promotes alignment of said plug respective to the opening.
13. (Canceled)
14. (Canceled)
15. (Canceled)
16. (Canceled)
17. A pillar shield for securing a wire harness running within a pillar, the pillar including a wall having an opening with an edge, the pillar shield comprising:
- a generally planar-shaped body designed to close off the opening within the wall of the pillar;
 - at least two clips projecting out from said body of said pillar shield, each of the at least two clips having resilient locks configured for securing said pillar shield within the opening in the wall and for being compressed by the edge of the opening to align said pillar shield within the opening along a first axis;
 - at least two tensioners projecting out from said body of said pillar shield, said at least two tensioners each having a portion for being resiliently compressed by the edge of the opening, thereby aligning said pillar shield within the opening along a second axis;

Application No.: 10/621,629

Docket No.: 65783-0029

at least two stabilizers projecting out from said body of said pillar shield, said at least two stabilizers arranged to be resiliently compressed by the wall of the pillar, thereby directing a force along a third axis tending to push the shield away from the wall; and at least one fastener for attaching the wire harness to said pillar shield.

18. The pillar shield according to claim 17, wherein said first axis lies approximately ninety degrees from said second axis.
19. The pillar shield according to claim 17, wherein said third axis lies perpendicular to said first and second axes.
20. The pillar shield according to claim 17, wherein at least one of said clips is located at an end of said pillar shield, and at least one of said clips is located at an opposite end of said pillar shield.
21. The pillar shield according to claim 17, wherein at least one of said tensioners is located nearby an edge of said pillar shield, and at least one of said tensioners is located nearby an opposite edge of said pillar shield.
22. The pillar shield according to claim 17, wherein said pillar shield is a one-piece monolithic structure.
23. The pillar shield according to claim 17 wherein said fastener comprises at least one clip projecting out from said body of said pillar shield and securing the wire harness.

Application No.: 10/621,629

Docket No.: 65783-0029

24. The pillar shield according to claim 17, wherein said fastener comprises a tie that wraps around the wire harness and then attaches to said pillar shield.
25. A pillar shield for securing a wire harness running within a pillar, the pillar including a wall having an opening with an edge, the pillar shield comprising:
- a generally planar-shaped body designed to close off the opening within the wall of the pillar;
 - at least two clips projecting out from said body of said pillar shield each of the at least two clips having resilient locks configured for securing said pillar shield within the opening in the wall and for being compressed by the edge of the opening to align said pillar shield within the opening along a first axis;
 - at least two stabilizers projecting out from said body of said pillar shield, said at least two stabilizers arranged to be resiliently compressed by the wall of the pillar, thereby directing a force along a second axis tending to push the shield away from the wall; and
 - at least one fastener for attaching the wire harness to said pillar shield.
26. The pillar shield according to claim 25, wherein said first axis lies approximately ninety degrees from said second axis.
27. A pillar shield for securing a wire harness running within a pillar, the pillar including a wall having an opening with an edge, the pillar shield comprising:
- a generally planar-shaped body designed to close off the opening within the wall of the pillar;

Application No.: 10/621,629

Docket No.: 65783-0029

at least two clips projecting out from said body of said pillar shield each of the at least two clips having resilient locks configured for securing said pillar shield within the opening in the wall and for being compressed by the edge of the opening to align said pillar shield within the opening along a first axis;

at least two tensioners projecting out from said body of said pillar shield, said at least two tensioners each having a portion for being resiliently compressed by the edge of the opening, thereby aligning said pillar shield within the opening along a second axis; and
at least one fastener for attaching the wire harness to said pillar shield.

28. The pillar shield according to claim 27, wherein said first axis lies approximately ninety degrees from said second axis.